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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,866	12/04/2003	Jin Katagiri	2552-000059	7885
27572 7590 02/20/2007 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER NGUYEN, LE V	
			ART UNIT	PAPER NUMBER
			2174	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/727,866	KATAGIRI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Le Nguyen	2174	

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/24/04</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is meant by “the content displaying information *is information for making a content-introducing display for reference by the user in designating desired content deliverable via a communication network*”. The Office will interpret “the content displaying information is information for making a content-introducing display for reference by the user in designating desired content deliverable via a communication network” to mean: the content displaying information is information used for reference by the user in designating desired content deliverable via a communication network.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Hamilton et al. ("Hamilton").

As per claim 1, although Kim teaches an information supplying method comprising a step of causing a user to select, from among a plurality of pieces of data reproducing equipment, particular data reproducing equipment to be used by the user (col. 15, lines 17-18) a step of searching a plurality of items of content for particular content reproducible with the data reproducing equipment and a step of supplying the user with content displaying information indicative of the particular content searched out by said step of searching (col. 15, lines 11-20), Kim does not explicitly disclose a registration step that includes a user registering data to be associated with the user and used in searching a plurality of items of content for a particular content. Hamilton teaches a registration step that includes a user registering data to be associated with the user and used in searching a plurality of items of content for a particular content (col. 17, lines 36-39; col. 39, line 63 through col. 40, line 11; *database 109 includes user registration information and preferences/registering data used to tailor presentation of preferred musical piece (e.g. Jamtrack) offerings to the user for downloading, i.e. if a user registers that rock-and-roll as a preference then the application software*

*automatically uses the preference to search a plurality of items and returns only a particular content, in this case rock-and-roll musical pieces, for display and downloading).* It would have been obvious to an artisan at the time of the invention to incorporate the method of Hamilton with the method of Kim in order to tailor the presentation according to user's preferences.

As per claim 2, the modified Kim teaches an information supplying method wherein the content displaying information is information for making a content-introducing display for reference by the user in designating desired content deliverable via a communication network, i.e. the content or information displayed is information used for reference by the user in choosing/designating desired content deliverable via a communication network (Kim: col. 15, lines 11-20; Hamilton: col. 17, lines 36-39; *users use the information to download the content*).

As per claim 3, the modified Kim teaches an information supplying method wherein said step of registering is capable of registering a plurality of pieces of data reproducing equipment for each user (Hamilton: col. 39, line 63 through col. 40, line 11; Kim: col. 15, lines 11-20), and said step of searching searches for content usable only in particular data reproducing equipment currently set in a search mode from among a plurality of pieces of data reproducing equipment registered in association with the user (Kim: col. 15, lines 11-20; *content usable only in a particular data reproducing equipment are currently set in a search mode by user selection of the particular data reproducing equipment among a plurality of pieces of data reproducing equipment;*

Art Unit: 2174

Hamilton: col. 17, lines 36-39; col. 39, line 63 through col. 40, line 11; *data registered in association with the user and used in searching for a particular content*).

As per claim 4, the modified Kim teaches an information supplying method wherein said step of searching including a step of setting a desired one of the plurality of pieces of data reproducing equipment, registered in association with the user, in the search mode in response to a selection by the user (Kim: col. 15, lines 11-20; Hamilton: col. 17, lines 36-39; col. 39, line 63 through col. 40, line 11).

As per claim 5, the modified Kim teaches an information supplying method wherein said step of setting includes a step of causing the user to select the desired one of the plurality of pieces of data reproducing equipment, registered in association with the user, via a display terminal of the user (Kim: col. 15, lines 11-20; Hamilton: col. 17, lines 36-39; col. 39, line 63 through col. 40, line 11).

As per claim 6, the modified Kim teaches an information supplying method wherein said step of supplying presents, on a display terminal of the user, the content displaying information indicative of the searched out content (Kim: col. 15, lines 11-20; *information on the result of the search based on a user's selection are sent to the user and displayed on the user's computer*, Hamilton: col. 17, lines 36-39; col. 39, line 63 through col. 40, line 11; *if a user registers that rock-and-roll as a preference then the application software automatically uses the preference to search a plurality of items and returns only a particular content, in this case rock-and-roll musical pieces, for display and downloading*).

Art Unit: 2174

As per claim 7, the modified Kim teaches an information supplying method comprises a step of allowing the user to make a selection for receiving a part or whole of content corresponding to the content displaying information supplied by said step of supplying (Kim: col. 15, lines 11-20; Hamilton: col. 17, lines 36-39; col. 39, line 63 through col. 40, line 11; *users make a selection for receiving a whole content*).

As per claim 8, the modified Kim teaches an information supplying method wherein said step of searching is carried out in response to a request made by a particular user (Kim: col. 15, lines 11-20).

As per claim 9, the modified Kim teaches an information supplying method wherein a server apparatus for supplying information and a client terminal for receiving supplied information are interconnectable via a communication network, and said method is performed by using at least one of a computer of said server apparatus and a computer of said client terminal (Kim: col. 15, lines 11-20; *server 10, client 11*; Hamilton: fig. 1; *server 104, client 102*).

Claims 10 and 12 are individually similar in scope to claim 1 and are therefore rejected under similar rationale.

Claims 11 and 13 are individually similar in scope to claim 9 and are therefore rejected under similar rationale.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2174

Iwamura (US 6,307,139 B1) teaches a search index for a music file.

*Inquires*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is (571) 272-4068. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (571) 272-4063.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LVN  
Patent Examiner  
January 1, 2007

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